

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4833 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SURAJ POLYSTER

Versus

GEB

Appearance:

MR HR PRAJAPATI for Petitioner

MR TUSHAR MEHTA for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 08/08/97

ORAL JUDGEMENT

Rule. The learned counsel appearing for the respondents waives service of rule. Both the sides request for disposal of this petition.

The grievance of the petitioner is that the respondent Board is insisting on the recovery of the dues of the previous consumer even though the petitioner is not liable to pay such dues having been allotted the

premises in question in a public auction by the G.S.F.C. In view of the decision of Hon'ble the Supreme Court in ISHA MARBLES VS. BIHAR STATE ELECTRICITY BOARD reported in 1995(2) G.L.H. 134 the Board cannot insist on payment of the dues of the previous consumer as a condition for granting reconnection. Under these circumstances it is directed that the respondent Board will consider the petitioner's case in light of the ratio of the decision of the Supreme Court in ISHA MARBLE's case (supra) and if that ratio is applicable to the petitioner's case to follow the same and give reconnection in accordance with law. Rule is made absolute with no order as to costs.

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